

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION**

KELLY DAWSEY,)	
)	
Plaintiff,)	
v.)	CA 7:22-cv-3738-TMC-KFM
)	
BAYERISCHE MOTOREN WERKE)	
AKTIENGESELLSCHAFT and BMW)	
MANUFACTURING CO., LLC,)	
)	
Defendants.)	
)	

**BAYERISCHE MOTOREN WERKE AKTIENGESELLSCHAFT’S
MOTION FOR SUMMARY JUDGMENT**

COMES NOW Defendant Bayerische Motoren Werke Aktiengesellschaft (“BMW AG”), by and through its undersigned counsel, and moves for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure. Plaintiff asserts causes of action for national origin discrimination, race discrimination, and sex discrimination in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000, et seq., and a cause of action for race discrimination pursuant to 42 U.S.C. § 1981.

As set forth in detail in the supporting Memorandum in Support of Defendant BMW AG’s Motion for Summary Judgment, which is fully incorporated herein by reference, BMW AG is entitled to summary judgment on all causes of action asserted by Plaintiff in this litigation.¹

¹ Defendant BMW Manufacturing Co., LLC (“BMW MC”) has separately moved for summary judgment (ECF No. 92 et seq.), asserting that BMW MC is entitled to judgment as a matter of law because, *inter alia*, Plaintiff cannot establish the requisite adverse employment action necessary to prevail on her claims. BMW MC’s Summary Judgment Motion has been fully briefed. Because Plaintiff’s claims against BMW MC are identical to her claims against BMW AG, if the Court grants BMW MC’s Summary Judgment Motion, judgment should also enter for BMW AG on the

This Motion is further supported by the following exhibits being filed herewith:

Exhibit A: Deposition Excerpts of Plaintiff

Exhibit B: Deposition Excerpts of Robert Engelhorn

Exhibit C: Deposition Excerpts of Christine Petrasch

Exhibit D: Deposition Excerpts of Eva Burgmeier

Exhibit E: Deposition Excerpts of Sherry McCraw

WHEREFORE, Defendant BMW AG respectfully requests that the Court grant its Motion for Summary Judgment and enter judgment in favor of BMW AG on all of Plaintiff's causes of action.

Dated: March 8, 2024

Respectfully submitted,

/s/ Kurt M. Rozelsky

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same grounds. BMW AG accordingly incorporates herein the BMW MC Summary Judgment Motion and requests entry of judgment for BMW AG on those additional grounds.